

Group II claims 125-132, 138, 140-141, 146-148, 152, 156-157, 163, 167, 168, 239-244 and 375-380, which the Examiner asserts are directed to apparatus and method wherein the piston head is advanced distally through a body lumen.

It is noted, claims 381-392, submitted by the preliminary amendment of June 18, 2007, have not been examined and considered by the Office Action of February 24, 2010. Nevertheless, these claims are addressed and treated herein below.

It is further noted, claims 225-229 are directed to "advancing" the piston head; whereas claims 239-244 are directed to "withdrawing" the piston head. Accordingly, consistent with the Examiner's grouping of the claims, claims 225-229 should be included in the Group II claims, whereas claims 239-244 should be included in the Group I claims.

Consistent with this reformulation of the Group II claims, Applicants elect, **without traverse**, the Group II claims for further prosecution in the present application. Claims 383-385, 388, 390 and 391 should be included in elected Group II. Accordingly, claims 125-132, 138, 140-141, 146-148, 152, 156-157, 163, 167, 168, 225-229, 375-380, 383-385, 388, 390 and 391 are elected herein.

The Examiner also took the position that the claims of Groups I and II cover fifteen embodiments, characterized as Species I through XV. These species are described as corresponding to:

- Species I, the embodiment represented by Figure 1;
- Species II, the embodiment represented by Figure 6;
- Species III, the embodiment represented by Figure 7;
- Species IV, the embodiment represented by Figure 8;
- Species V, the embodiment represented by Figure 9A;

Species VI, the embodiment represented by Figure 9B;
Species VII, the embodiment represented by Figure 10A;
Species VIII, the embodiment represented by Figure 10B;
Species IX, the embodiment represented by Figure 11A;
Species X, the embodiment represented by Figure 11B;
Species XI, the embodiment represented by Figure 12;
Species XII, the embodiment represented by Figure 13A;
Species XIII, the embodiment represented by Figure 13B;
Species XIV, the embodiment represented by Figure 14
Species XV, the embodiment represented by Figure 15.

The Examiner did not identify which claims of Group II read on which of these fifteen species. He did, however, require an election of one of these fifteen species; and a concomitant election of those claims that read on the elected species.

Applicants elect, **with traverse**, those claims that read on Species I, Fig. 1, namely, claims 125-130, 132, 138, 140-141, 146-148, 152, 156-157, 163, 167, 168, 225-229, 375, 377-380, 385, 388, 390 and 391. It is submitted that at least claims 125 and 225 are generic; and should any of these generic claims be found allowable, this requirement for an election of species will be withdrawn and all of the claims that include the limitations of the allowable generic claim likewise will be allowable.

It is submitted that a search for the invention defined by the claims of Species I will require a search that encompasses the claims of Species II-XV and, thus, the claims covering all species will be searched. If the present requirement for an election of species is maintained, the logical result will be the filing of several divisional applications to include the claims that

read on the non-elected species. Of course, this will mean that the examination of such claims will be delayed. However, since the search for the claims included in those divisional applications will overlap with and, in all probability, be identical to the search that is to be conducted on the Species I claims elected herein, the primary effort needed to examine all applications will be repeated. Furthermore, it is likely that the same Examiner will be in charge of the divisional applications; but in light of the delay between the prosecution of the present application and that of the divisional applications, the Examiner will have to conduct redundant searches at a later time. Alternatively, if different Examiners are assigned to the divisional applications, a significant loss of PTO efficiency will result in their examination of those divisional cases. After all, the present Examiner will be the individual in the best position to examine all applications and he will be fully familiar with the subject matter of the divisional applications.

Therefore, since the only logical outcome of the present requirement for an election of species would be to delay the examination of the claims that read on Species II-XV, resulting in inefficiencies on the part of the Office and unnecessary expenditures by Applicants, and since a single search can be done for all claims without any significant burden on the Office, it is respectfully requested that this requirement for an election of species be withdrawn.

Applicants reserve their right to file divisional applications, if necessary, so as to proceed with the examination of the non-elected claims.

An early examination on the merits of the claims of this application are respectfully solicited.

Respectfully submitted,

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